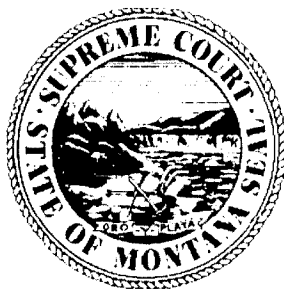


May 5 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 10-0162

FREDERICK HARMON and
MADELENA HARMON,

Plaintiffs and Appellees,

v.

ORDER OF MEDIATOR APPOINTMENT

FISCUS REALTY, INC.,

Defendant and Appellant.

Pursuant to the Supreme Court Order dated March 23, 2010, the Clerk of the Supreme Court has the authority to grant or deny motions to substitute a mediator. The Defendant and Appellant in this matter, having filed an unopposed motion to allow the parties' selection of mediator,

IT IS ORDERED THAT the appointment of Ross W. Cannon is hereby withdrawn and **Kevin T. Sweeney** is hereby appointed to conduct the mediation process required by M.R.App.P., 7(5). and

IT IS FURTHER ORDERED that mediation must be completed by June 15, 2010, which is the conclusion of the 75 day time limit set forth in M.R.App.P., 7(3)(a).

A copy of this order is being mailed to counsel of record for the parties, or to the parties individually if not represented by counsel, on the date hereof.

DATED this May 5, 2010.

A handwritten signature in cursive script, reading "Ed Smith", written over a horizontal line.

Ed Smith,
Clerk of the Supreme Court

c: Jock B. West, Benjamin J. LaBeau, Calvin J. Stacey, Ross Cannon, Kevin Sweeney